

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

LEONARD VINCENT LOMBARDO,

Defendant.
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For Online Publication Only

ORDER

17-CR-318 (JMA)

APPEARANCES:

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Of Counsel
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AZRACK, United States District Judge:

On May 15, 2020, defendant Leonard Vincent Lombardo (“Defendant”) first moved for compassionate release following the onset of the COVID-19 pandemic. (ECF Nos. 30, 35, 36.) Though the Court denied his motion because the Section 3553(a) sentencing factors weighed against granting him compassionate release, the application was denied “without prejudice to its renewal should Defendant’s condition or the situation at his facility materially worsen.” (ECF No. 38 at 10.)

Defendant has again moved for compassionate release. (ECF Nos. 39, 41.) Because of increasing cases at Fort Dix FCI, Defendant argues that the Section 3553(a) factors now weigh in

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**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

favor of granting the motion. In its response to Defendant's motion, the government explains that Fort Dix FCI contains two separate facilities within its grounds: the "Low" facility and an adjacent "Minimum Security Camp." (ECF No. 40 at 1.) Defendant is housed at the Minimum Security Camp. (Id.) The COVID-19 case numbers that Defendant cites are from cases at the Low facility, not the Minimum Security Camp. (Id.) The government also informs the Court that the Minimum Security Camp has two wings, Wing A and Wing B. (ECF No. 42.) Wing B, where Defendant is housed, has two inmates who tested positive for COVID-19 this week. (Id.) All inmates in Wing B will be quarantined for 14 days, checked daily, and tested for COVID-19. (Id.)

The Court has considered Defendant's arguments and the government's responses and finds that the updated situation does not alter the Court's prior analysis of the Section 3553(a) factors. (ECF No. 38 at 9-10.) Accordingly, Defendant's motion is **DENIED** without prejudice.

SO ORDERED.

Dated: January 8, 2021
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE